



**US Army Corps  
of Engineers®**  
New England District

# PUBLIC NOTICE

696 Virginia Road  
Concord, MA 01742-2751

**Date: January 13, 2009**  
**Comment Period Ends: January 30, 2009**  
**File Number: NAE 2007-798**  
**In Reply Refer To: Mr. Brian Valiton**  
**Or by e-mail: brian.e.valiton@usace.army.mil**

The District Engineer has received a permit application from the applicant below to dredge, with upland disposal, in waters of the United States as described below in conjunction with the reconstruction of the Steamship Authority (SSA) ferry terminal in Hyannis. An earlier public notice on the major portion of the reconstruction work at the Hyannis Ferry Terminal, under the same file number, was issued on December 11, 2007. At the time of 2007 notice no dredging was anticipated. The need for dredging emerged recently. As a result of that earlier action, the Corps issued a provisional permit to the SSA to re-construct slip # 2 and to add a new floating pier and associated facilities to load and unload fast ferry passengers. The Corps is soliciting comments on both the additional dredging, with upland disposal, and the range of issues to be addressed in the environmental documentation.

**APPLICANT: Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, P.O. Box 284, Railroad Avenue, Woods Hole, Massachusetts 02543**

**ACTIVITY:** A detailed description and plans of the activity are attached. In conjunction with the previously reviewed project to reconstruct Slip # 2 at the SSA Terminal at 71 South Street in Hyannis the SSA has now determined that some dredging (not previously anticipated), with upland disposal, of approximately 2,300 cu. yds. of mixed sand and silt is needed to facilitate construction. The material will be removed from an area of approx. 17,100 sq. ft. within the area of Slip #2. As mentioned above, the previously reviewed work includes installing a new floating pier and associated facilities to load and unload fast ferry passengers.

## **WATERWAY AND LOCATION OF THE PROPOSED WORK:**

This work is proposed in Hyannis Inner Harbor at 71 South Street, Hyannis, Massachusetts. The proposed location on the USGS Hyannis Massachusetts quadrangle sheet is at zone 19 UTM coordinates 4611580.00 N and 0393640.00 E.

## **AUTHORITY**

Permits are required pursuant to:

- ☒ Section 10 of the Rivers and Harbors Act of 1899
- ☐ Section 404 of the Clean Water Act
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general

environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **ESSENTIAL FISH HABITAT**

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The dredging will impact approximately 17,100 SF of EFH for Atlantic butterfish (eggs, larvae, juveniles, adults), Atlantic cod (adults), Atlantic mackerel (eggs, larvae, juveniles, adults), winter flounder (eggs, larvae, juveniles, adults), windowpane flounder (adults), long-finned squid (juveniles, adults), summer flounder (eggs, larvae, juveniles, adults), scup (juveniles, adults), black sea bass (larvae, juveniles, adults), surf clam (juveniles, adults), king mackerel (eggs, larvae, juveniles, adults), Spanish mackerel (eggs, larvae, juveniles, adults), and cobia (eggs, larvae, juveniles, adults). The bottom areas in the vicinity of the SSA docking facility are composed of soft, black, silty sand, with a strong odor of sulfides. Habitat at this site can be described as poor habitat for winter flounder and for the other marine species. Loss of this habitat may adversely affect winter flounder but it is not likely to do so since the winter flounder are not likely to be spawning in this area at the time of year when the applicant will be allowed to dredge due to dredging windows imposed by the State and Federal resource agencies. As a result, the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

### **SECTION 106 COORDINATION**

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s).

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X ) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.


In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Mr. Brian Valiton at (978) 318-8166, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**



Karen K. Adams  
Chief, Permits and Enforcement Branch  
Regulatory Division

**CENAE-R**  
**FILE NO. NAE-2007-798**

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

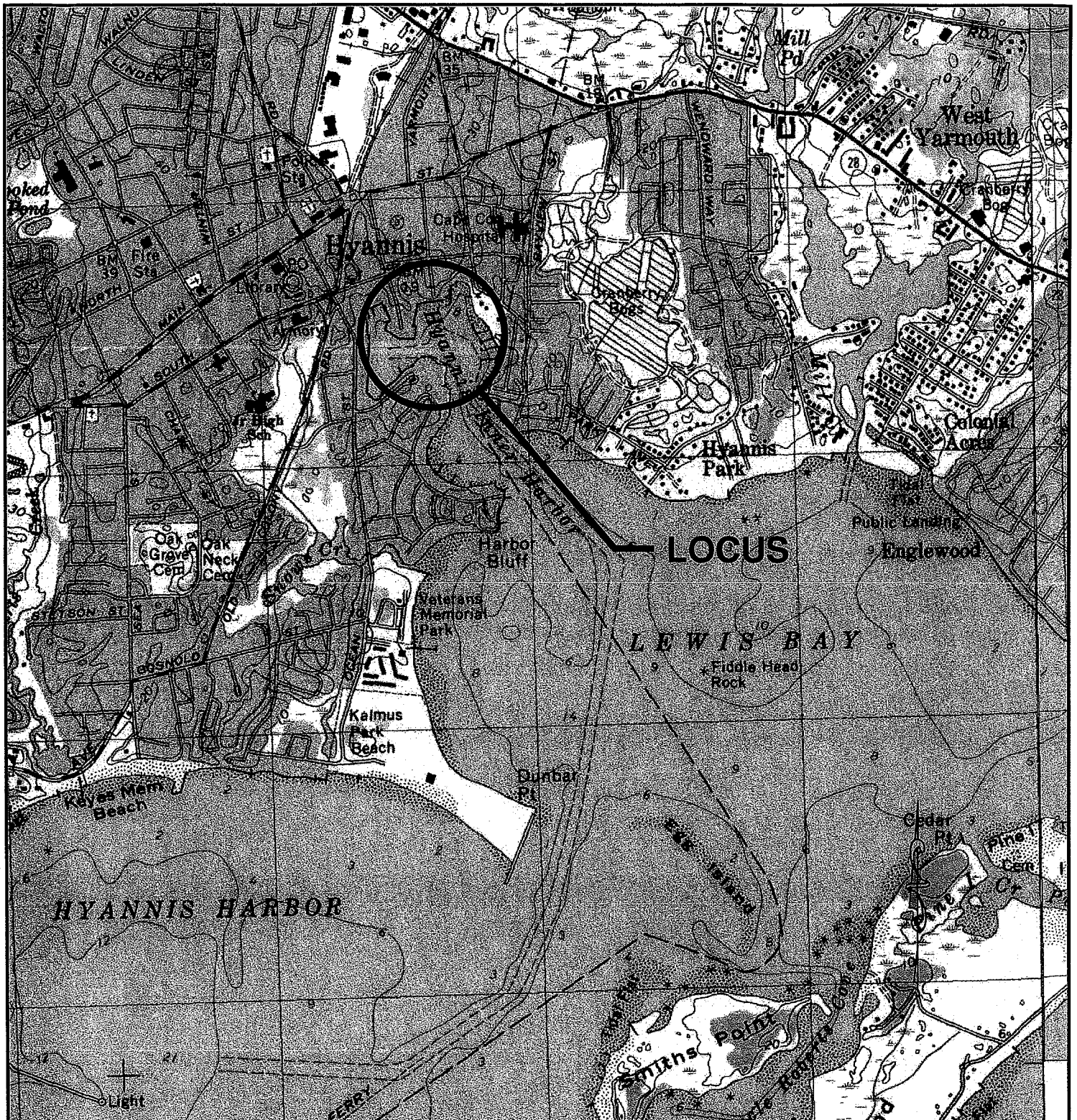
**CENAE-R**

**FILE NO. NAE-2007-798**

**PROPOSED WORK AND PURPOSE**

The work includes dredging in navigable waters of approx. 2,300 cu. yds. from an area of approx. 17,100 sq. ft. to a depth of - 15' m.l.w. with upland disposal of the material. Some of the dredging is in areas that may not have been within the limits of previous permits but much of the area to be dredged is within previously permitted dredging limits.

The work is described on the enclosed plans entitled "APPLICATION BY: WOODS HOLE, MARTHA'S VINEYARD AND NANTUCKET STEAMSHIP AUTHORITY P.O. BOX 284 WOODS HOLE, MA 02543 AREA FOR NEW FERRY TERMINAL SLIP TO BE DREDGED TO ELEV. -15.0' IN: HYANNIS INNER HARBOR AT: HYANNIS FERRY TERMINAL COUNTY: BARNSTABLE STATE: MA", on 4 sheets, and dated "10/30/08."



PURPOSE: DREDGING FOR  
NEW FERRY SLIP

DATUM: MLLW = 0.0'

CHILDS ENGINEERING CORPORATION  
BOX 333 MEDFIELD, MA. 02052

## VICINITY MAP

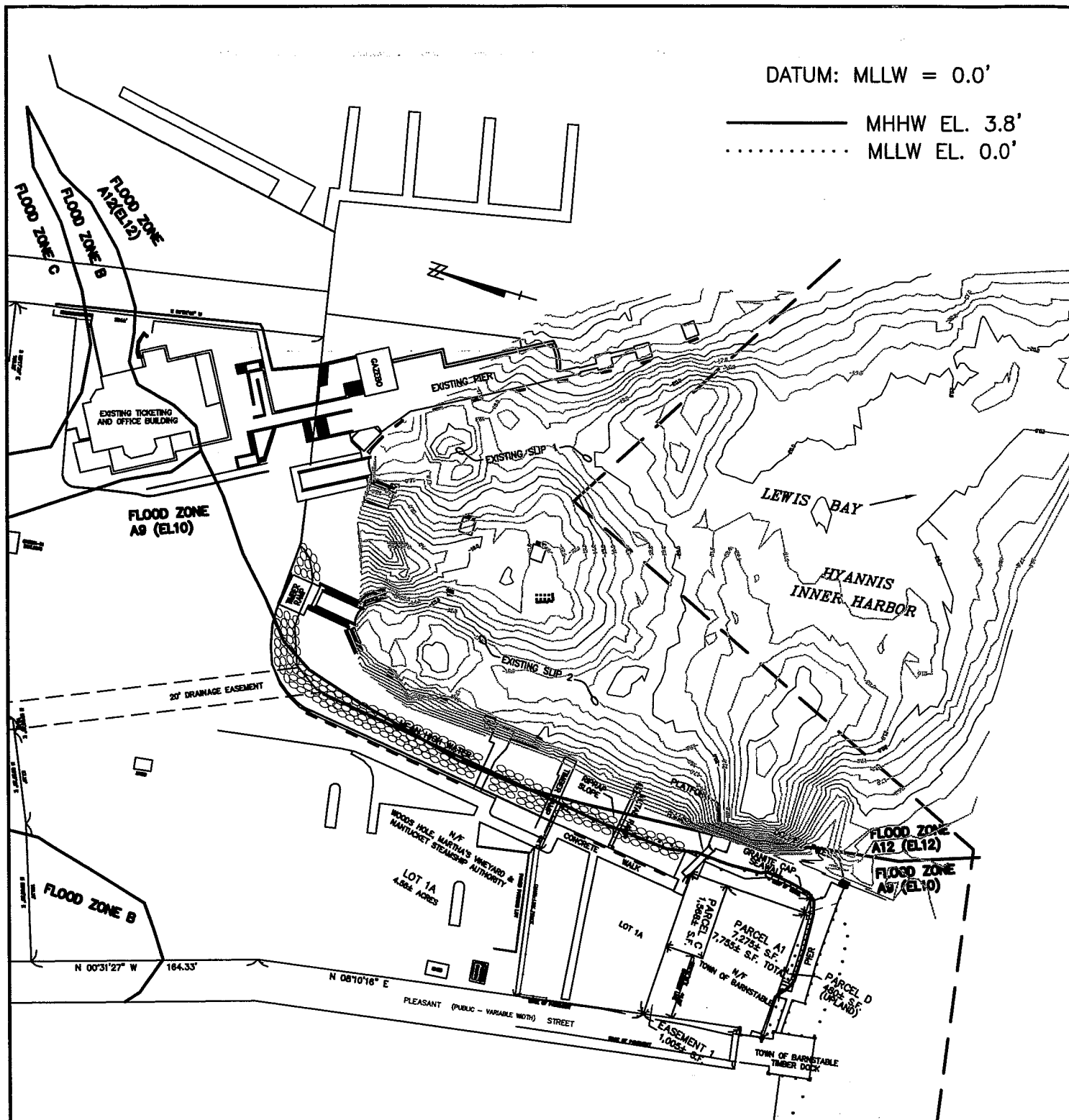
SCALE: NONE

APPLICATION BY:  
WOODS HOLE, MARTHA'S VINEYARD AND  
NANTUCKET STEAMSHIP AUTHORITY  
P.O. BOX 284  
WOODS HOLE, MA 02543

AREA FOR NEW FERRY TERMINAL SLIP  
TO BE DREDGED TO ELEV. -15.0'

IN: HYANNIS INNER HARBOR  
AT: HYANNIS FERRY TERMINAL  
COUNTY: BARNSTABLE STATE: MA

SHEET 1 OF 4 DATE: 10/30/08



PURPOSE: DREDGING FOR  
NEW FERRY SLIP

DATUM: MLLW = 0.0'

CHILDS ENGINEERING CORPORATION  
BOX 333 MEDFIELD, MA. 02052

## SITE PLAN

100 0 100

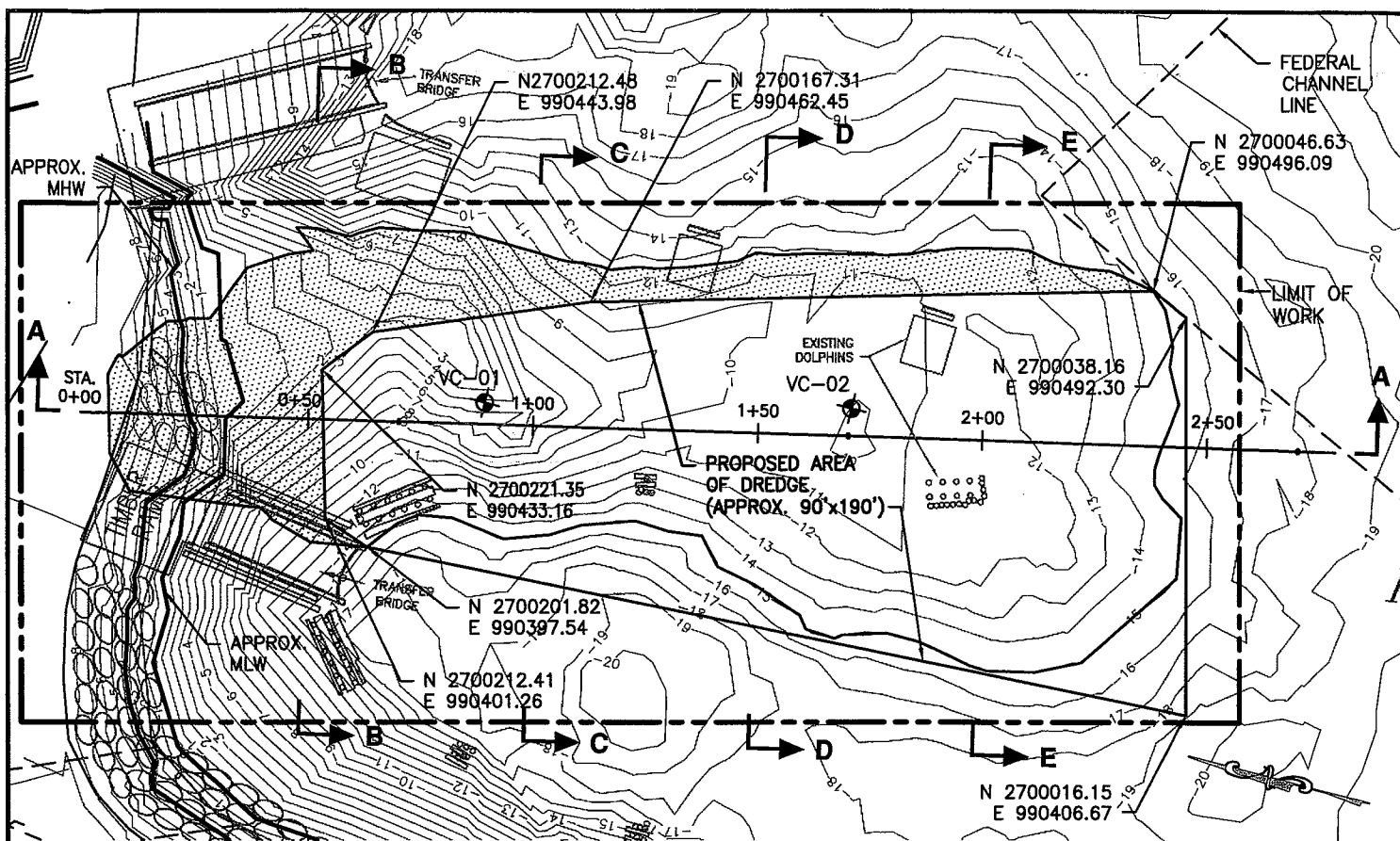
SCALE OF FEET

APPLICATION BY:  
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AT: HYANNIS FERRY TERMINAL  
COUNTY: BARNSTABLE STATE: MA

SHEET 2 OF 4 DATE: 10/30/08

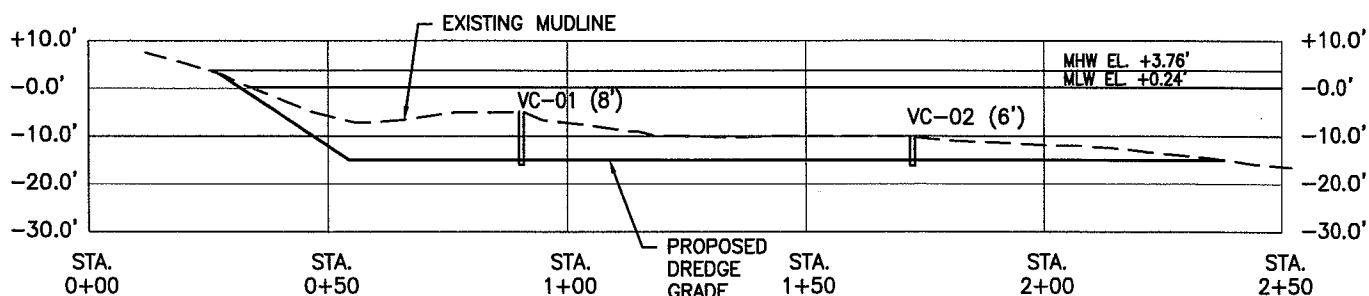


TOTAL DREDGE VOLUME = 2,300 CU.YDS.

### PLAN

SCALE: 1"=40'-0"

DREDGE DISPOSAL SITE = CAPE COD  
AGGREGATE SAND PIT, PHINNEY'S LANE,  
HYANNIS, MA.



### SECTION A-A

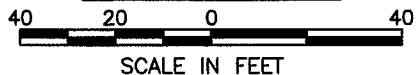
SCALE: 1"=40'-0"

PURPOSE: DREDGING FOR NEW  
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DATUM: MLLW = 0.0'

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### PROPOSED PLAN

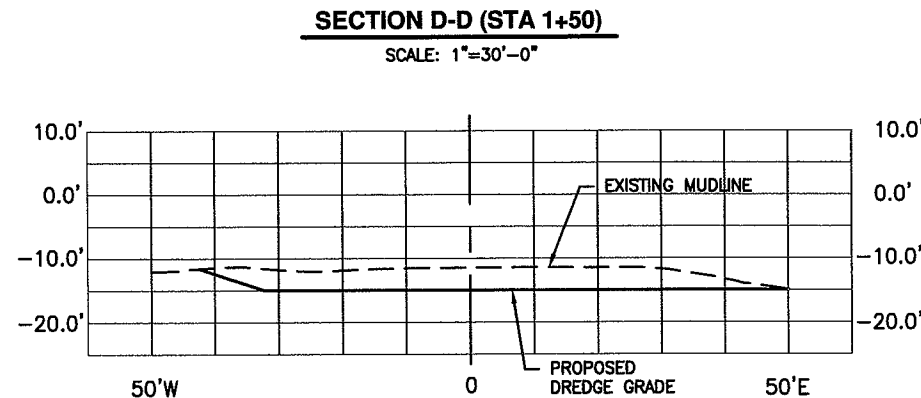
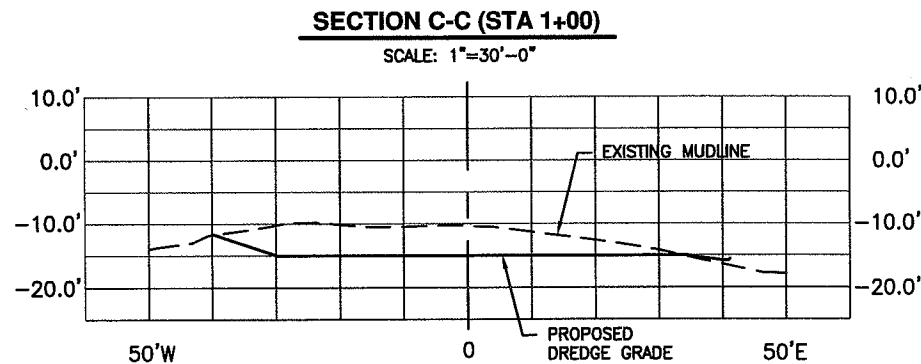
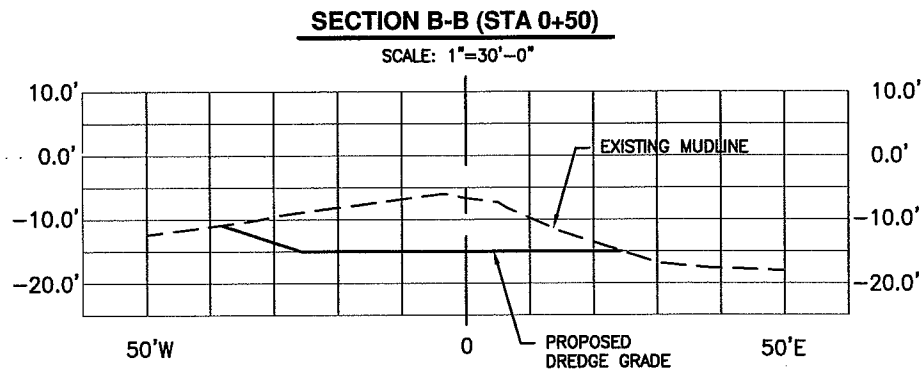
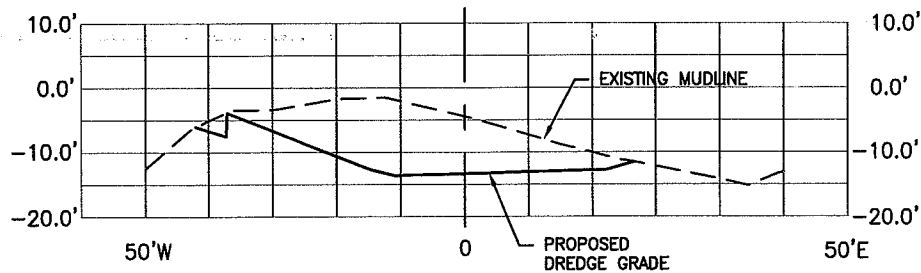


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PURPOSE: DREDGING FOR NEW  
FERRY SLIP

DATUM: MLLW = 0.0'

CHILDS ENGINEERING CORPORATION  
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## PROPOSED SECTIONS



SCALE IN FEET

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IN: HYANNIS INNER HARBOR  
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SHEET 4 OF 4 DATE: 10/30/08